

Mr. CELLAR. I ask your Honor to charge that the statutes do not prescribe any specified form or manner of misbranding.

The COURT. I believe that is true.

The jury thereupon retired, and after due deliberation returned into court with a verdict of guilty, and the court thereupon imposed a fine of \$603.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6810. Misbranding of Cal-Sino and Antiseptine. U. S. * * * v. Cal-Sino Co., a corporation. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 9236. I. S. Nos. 3378-p, 3380-p.)

On October 16, 1919, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Cal-Sino Co., a corporation, Baltimore, Md., alleging shipment on or about March 23, 1918, and March 12, 1918, by said company, in violation of the Food and Drugs Act, as amended, from the State of Maryland into the State of Virginia, of articles labeled in part "Antiseptine" and "Cal-Sino," which were misbranded.

Analysis of a sample of "Antiseptine" by the Bureau of Chemistry of this department showed it to be a powder containing large amounts of salts of zinc and lead and a small amount of a salt of copper. Sulphates and acetates were present. The mixture appeared to be composed of about 48 per cent anhydrous zinc sulphate with about an equal amount of lead acetate, together with a small amount of copper acetate.

An analysis of "Cal-Sino" showed it to be a hydro-acetic acid solution containing about 15 grams of solid material dissolved in 100 cc. Solid material is principally ammonium chlorid with trace of camphor and plant extract, probably derived from blood root.

It was alleged in substance in the information that the "Antiseptine" was misbranded for the reason that certain statements appearing on the labels of the cartons and envelopes falsely and fraudulently represented it as a treatment, specific, and cure for fistulae, and effective as a specific for fistulae, when, in truth and in fact, it was not.

It was alleged in substance that the "Cal-Sino" was misbranded for the reason that certain statements appearing on the labels of the cartons and bottles falsely and fraudulently represented it as a treatment, remedy, and cure for distemper, strangles, colts' ailment, shipping cold, heaves, and broken wind, when, in truth and in fact, it was not.

On October 16, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$100 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6811. Adulteration and misbranding of olive oil. U. S. * * * v. 192 Gallons and 288 Quarts of Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 9280. I. S. Nos. 16028-r, 19426-r. S. No. E-1101.)

On August 31, 1918, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 192 gallons and 288 quarts of olive oil, consigned by M. Campolieti, New York, N. Y., remaining unsold in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped on or about July 3, 1918, and transported from the State of New York into the State of Florida, and charging adulteration and misbranding in violation of the Food and Drugs

Act, as amended. The article was labeled in part, "First Pressing Cream Olive Oil Vergine * * * made from the finest selected olives grown on the Italian Riviera."

Adulteration of the article was alleged in the libel for the reason that another substance, to wit, cottonseed oil, had been mixed and packed therewith and substituted wholly or in part for olive oil.

Misbranding of the article was alleged for the reason that it was labeled "Olive Oil," whereas the product consisted almost entirely of cottonseed oil mixed with a small percentage of olive oil, and that the statement that the product was olive oil was false and misleading and deceived and misled the purchaser; and for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, that the same consisted almost wholly of cottonseed oil, and was offered for sale under the distinctive name of olive oil; and for the further reason that it purported to be a foreign product, to wit, a product made from the finest selected olives grown on the Italian Riviera, when in fact it was a product of domestic manufacture. Misbranding of the article was alleged in substance for the further reason that it was labeled "One Gallon Full Measure," and "One Quart Full Measure," whereas the cans contained smaller amounts, and the contents of said packages were not truly and correctly stated on the outside thereof in terms of weight, measure, or numerical count.

On January 15, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be relabeled as cottonseed oil and sold at public auction by the United States marshal, and that the purchaser thereof should give a bond in the sum of \$200, conditioned that the property would not be disposed of in violation of any State or Federal law.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6812. Adulteration of eggs. U. S. * * * v. 10 Cases of Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9284. I. S. No. 12514-r. S. No. E-1098.)

On August 14, 1918, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 10 cases of eggs, consigned from Paducah, Ky., on or about August 3, 1918, and remaining unsold in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by Boone & Co., Paducah, Ky., and transported from the State of Kentucky into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel of information for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On September 13, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

6813. Misbranding of Texas Wonder. U. S. * * * v. 6 Dozen Bottles of Texas Wonder. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9285. I. S. No. 16057-r. S. No. E-1103.)

On September 3, 1918, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure